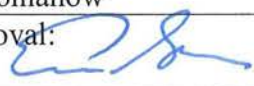


CITY COUNCIL ACTION REQUEST			
Department(s): Environmental Services	Date: 6/4/14	Coordination: CMO, Sacramento Legislative Representative, and CAO	Dept. Approval: /s/ Kerrie Romanow CMO Approval: 
SUBJECT: SB 270 (PADILLA) – SOLID WASTE: SINGLE-USE CARRYOUT BAGS			
RECOMMENDED POSITION: SUPPORT			
RECOMMENDED ACTION:			
<ol style="list-style-type: none"> 1. Adopt a position of support for SB 270 (Padilla). 2. Recommend a one-week turnaround to the City Council so that the City's legislative staff can advocate for the City's support for SB 270. 			
BILL SYNOPSIS:			
<p>This bill, as of July 1, 2015, would prohibit stores that have a specified amount of sales in dollars or retail floor space from providing a single-use carryout bag to a customer, with specified exceptions. The bill would also prohibit those stores from selling or distributing a recycled paper bag at the point of sale unless the store makes that bag available for purchase for not less than \$0.10. The bill would also allow those stores, on or after July 1, 2015, to distribute compostable bags at the point of sale only in jurisdictions that authorize the sale of compostable bags and that have a food waste composting program and at a cost of not less than \$0.10. The bill would require these stores to meet other specified requirements on and after July 1, 2015, regarding providing reusable grocery bags to customers, including distributing those bags only at a cost of not less than \$0.10. The bill, on and after July 1, 2016, would additionally impose these prohibitions and requirements on convenience food stores, foodmarts, and entities engaged in the sale of a limited line of goods, or goods intended to be consumed off premises, and that hold a specified license with regard to alcoholic beverages.</p> <p>The bill would allow a local public agency that has adopted such an ordinance, resolution, regulation, or rule prior to September 1, 2014, to continue to enforce and implement that ordinance, resolution, regulation, or rule, and would allow limited modifications to the local ordinance to increase the minimum charge for recycled-content paper bags and expand the minimum charge to include reusable plastic bags as defined in the ordinance</p>			
IMPACTS TO CITY OF SAN JOSE:			
<p>The San José Single-Use Bag Ordinance went into effect on January 1, 2012 and was intended to be part of a countywide initiative that would result in every jurisdiction in Santa Clara County passing such ordinances. This City ordinance will remain in full effect if SB 270 is made law. Two and a half years after the implementation of the Single-Use Bag Ordinance, nearly all of the Santa Clara County cities have passed single-use bag ordinances with a few exceptions, the Town of Saratoga, the City of Santa Clara, and the City of Milpitas. SB 270 applies to a slightly narrower sector of businesses than the City's ordinance however; it would create a significantly more level playing field for retailers by providing a minimum standard for all Santa Clara County jurisdictions as well as for the entire state.</p> <p>SB 270 does not preempt the San José Single-Use Bag Ordinance, but limits the ability to amend the ordinance. An increase in the minimum charge for the recycled paper bags and reusable plastic bags is specifically allowed, if so desired.</p>			

The bill author states, “California uses an estimated 14 billion single-use plastic bags a year. According to CalRecycle, less than five percent of single-use plastic bags are recycled. Plastic bags cause litter, slow sorting and jam machinery at recycling centers costing California more than an estimated \$25 million each year to collect and bury the plastic bag waste. By banning plastic bags on a statewide level, the amount of litter and plastic marine debris caused by plastic bags can be significantly reduced.”

POLICY ALIGNMENT:

SB 270 aligns with the City’s Legislative Policy Guidance to promote livability, sustainable development, and environmental protection. In creating a statewide ban on plastic bags and promoting the use of reusables, SB 270 will also support regional competitiveness by establishing the same rules for all of California that currently exist in San José, most of Santa Clara County, and the majority of the San Francisco Bay Area.

SB 270 also aligns with the trash reduction provisions of the Municipal Regional Stormwater Permit, Order R2-2009-0074 (Regional Permit). These regulatory requirements call for significant reductions in trash from the City’s Municipal Separate Storm Sewer System. Since all jurisdictions that are part of the Regional Permit are linked, compliance of all permit holders benefits all jurisdictions.

Over 100 cities and counties throughout California have adopted ordinances banning plastic bags, including San José, San Francisco, Long Beach, Los Angeles County, Santa Clara County, and Alameda County. Many of these local governments also require stores to charge a fee for a paper carryout bag, and a few have banned both single-use plastic and paper carryout bags. This bill does not preempt existing ordinances; however, it does provide greater uniformity moving forward by preempting any local ordinance adopted after September 1, 2014.

SUPPORTERS/OPPONENTS:

Support:

All One Ocean Black Surfers Collective California Association of Environmental Health Administrators California Coastal Coalition California Coastkeeper California League of Conservation Voters California Retailers Association Californians Against Waste ChicoEco, Inc. City of Clayton City of Concord City of Los Angeles City of Palm Desert City of Sacramento City of San Rafael Clean Oceans Competition Clean Water Action Command Packaging Contra Costa Clean Water Program SB 270 Costa Mesa Sanitary District	Heal The Bay Hidden Resources Latino Coalition for a California Bag Ban Los Angeles Alliance for a New Economy Napa Recycling and Waste Services Napa Valley CanDo Natural Resources Defense Council Ocean Project Pacoima Beautiful Planning and Conservation League Plastic Free Seas Plastic Pollution Coalition Plastic Soup Foundation Plasticbaglaws.org Republic Services Reusable Bag Association Sachamama Sam Liccardo, Councilmember, City of San José Santa Barbara Channelkeeper Seventh Generation Advisors Sierra Club California
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County of San Mateo County of Santa Barbara County of Santa Clara Don't Waste LA Environment California Five Gyres Institute Global Alliance for Incinerator Alternatives Global Green USA Green Cities California Green Vets Los Angeles Green Waste Recovery	Silicon Valley Leadership Group Suja Lowenthal, Councilmember, City of Long Beach Surfrider Foundation Sustainable Coastlines Hawaii Target Wildcoast World Society for the Protection of Animals Zero Waste San Diego 11,345 individuals (petition)
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Opposed:

Advance Polybag, Inc. American Forest and Paper Association American Progressive Bag Association California Recycling Market Development Zones Association California Manufacturers and Technology Association Crown Poly	Elkay Plastics Co., Inc. Hilex Poly National Black Chamber of Commerce National Federation of Independent Businesses SPI: The Plastics Industry Trade Association Third Baptist Church of San Francisco US Black Chamber, Inc. 542 individuals
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Registered Support/Opposition to the bill as amended March 27, 2014, as shown in the Bill Analysis prepared for the meeting of the Assembly Natural Resources Committee on May 14, 2014. Councilmember Liccardo submitted an individual letter of support on April 24.

STATUS OF BILL:

SB 270 Passed the Senate on April 29, 2013, and was ordered to the Assembly. On February 6, 2014 it was gutted and amended by the author to address single-use carryout bags. It was passed as amended by the Committee on Natural Resources on May 14 (Ayes 5. Noes 3.) and was referred to the Committee on Appropriations, where it was amended to its current form on May 20. The deadline for it to be reported to the floor is August 15, 2014.

FOR QUESTIONS CONTACT: NAPP FUKUDA (408) 793-5353